

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>JEFFRY AND SUSAN STRAUSS,</p> <p>v.</p> <p>Respondent:</p> <p>ARAPAHOE COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 65885</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on December 1, 2015, Debra A. Baumbach and Sondra W. Mercier presiding. Petitioner Susan Strauss appeared pro se on behalf of Petitioners. Respondent was represented by Benjamin Swartzendruber, Esq. Petitioners are protesting the 2015 actual value of the subject property.

Subject property is described as follows:

**10 Windover Road
Greenwood Village, Colorado 80121
Arapahoe County Parcel No. 2077-14-2-16-001**

The subject property consists of a 2-story, excellent quality residence situated on two lots. The home has 8,194 square feet of above grade living area that includes 4 bedrooms and 8 baths. Completed in 2005, the home also has a 2,077 square foot basement, including 1,845 square feet of finished area. A 4-car garage is accessed via a breezeway to the residence.

Petitioners are requesting an actual value of \$2,529,000 for the subject property for tax year 2015. Respondent assigned a value of \$3,040,246 for the subject property for tax year 2015.

Petitioner, Mrs. Susan Strauss, contends that the home is overbuilt for the neighborhood, which is comprised of older, smaller homes on smaller lots. After searching for the most recent base period sales of larger, two-story homes situated on larger lots, located in the same economic area as

the subject, Petitioners presented three comparable sales ranging in sale price from \$1,766,000 to \$2,800,000 and in size from 6,118 to 6,498 square feet.

Petitioners applied adjustments to the comparable sales based on the "Excellent" construction quality indicated for the subject by the Assessor's records. Mrs. Strauss testified that someone had contacted them regarding an inspection; however, they were out of town and not available at the requested date.

The sales transacted between April and May 2014, near the end of the base period; however, all three sales received an adjustment for "time" in accordance with Section 39-1-104(10.2)(a)(d), C.R.S. Other adjustments were based on prior appraisals received from the Assessor's Office. Mrs. Strauss provided photographs of both her sales and Respondent's sales to demonstrate lot and residence size compared to neighboring properties.

After all adjustments were made, the sales indicated a range in value from \$2,445,590 to \$2,663,970. Based on the sales analysis, Petitioners concluded a value of \$2,528,000, but are requesting the Board to apply the originally requested value of \$2,529,000.

Respondent presented a value of \$3,500,000 for the subject property based on the market approach. Respondent's witness, Bruce J. Worthington of the Arapahoe County Assessor's Office, presented three comparable sales ranging in sale price from \$2,350,000 to \$4,300,000 and in size from 6,965 to 9,804 square feet. Significant adjustments were made to the comparable sales for construction quality, when compared to the revised quality assigned to the subject of "Premier Minus." After additional adjustments were made, the sales indicated a range of \$3,237,985 to \$3,839,375.

Mr. Worthington testified that the appropriate economic area was beyond what Petitioners were told by associates with the Assessor's Office, choosing sales from a broader geographic area than that used by Petitioners. He testified that the subject had originally received a construction quality grade of "Premium Minus" at the time of construction, although it was applied prior to completion of construction and without an inspection. Mr. Worthington indicated that construction quality is assigned relative to sales price at the time of completion. Respondent's witness testified that someone from his office had contacted Petitioners regarding an inspection; however, he was not aware of the reason no inspection was scheduled. Respondent is asking the Board to uphold a value of \$3,040,246 as assigned by the Board of Equalization, for tax year 2015.

Petitioners presented sufficient probative evidence and testimony to prove that the subject property was incorrectly valued for tax year 2015. The Board was convinced that the subject was overbuilt for the immediate neighborhood based on photographs presented by Mrs. Strauss. The sales presented by Petitioners offered similar neighborhood attributes and were located closer to the subject. Adjustments were reasonable; in fact, a second analysis presented by Petitioner using Respondent's per unit adjustments resulted in an even lower value.

The Board was convinced that the sales selected by Respondent were located farther from the subject in general, and situated in superior neighborhoods that offered more uniform lot and

residence sizes. The Board was concerned by Mr. Worthington's decision to change the quality of the subject without an interior inspection. Further, the Board was convinced that quality ratings should be established based on actual quality standards, not on purchase price. The witness appeared to be unfamiliar with both the subject's location as well as locations of the comparable sales utilized in both Respondent's and Petitioners' analysis.

Based on the data and analysis presented by Petitioners, the Board concludes that the 2015 actual value of the subject property should be reduced to \$2,529,000.

ORDER:

Respondent is ordered to reduce the 2015 actual value of the subject property to \$2,529,000.

The Arapahoe County Assessor is directed to change his/her records accordingly.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-nine days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 17th day of December, 2015.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach

Debra A. Baumbach

Sondra W. Mercier

Sondra Mercier

I hereby certify that this is a true
and correct copy of the decision of
the Board of Assessment Appeals

Milla Lishchuk

Milla Lishchuk

